



2024:DHC:8232



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of Decision: 23.10.2024

+ CRL.M.C. 8390/2024, CRL.M.A. 32023/2024

SH ANMOL MEHTA AND ANRPetitioners

Through: Mr. Amol Sharma, Advocate with
Petitioners-in-person.

versus

THE STATE (NCT OF DELHI) AND ANRRespondents

Through: Mr. Satinder Singh Bawa, APP for
State along with SI Meeta P.S. Model
Town.Mr. Vineet Aggarwal, Mr. Suresh
Chand Aggarwal, Mr. Kunal, Mr.
Jatin Kumar and Ms. Bhavya,
Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

% J U D G M E N TANOOP KUMAR MENDIRATTA, J (ORAL)CRL.M.A. 32024/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

CRL.M.C. 8390/2024, CRL.M.A. 32023/2024

1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS') has been preferred on behalf of the petitioners for quashing of FIR No. 0380/2023, under Sections 323/354/509/34 IPC, registered at PS: Model Town and proceedings emanating therefrom.

2. Issue notice. Learned APP for the State and learned counsel for



respondent no.2 along with respondent No.2 appear on advance notice and accept notice.

3. In brief, present FIR was registered on 22.05.2023 at instance of respondent no.2 wherein she alleged that she had been assaulted and inappropriately touched by the petitioners. Further when her daughter-in-law intervened, she was also assaulted.

4. Learned counsel for petitioners submits that cross FIR No. 379/2023 under Sections 323/354A/341/509/34 IPC P.S Model Town, arising out of the same incident was also registered at instance of petitioner no.2 in respect of which proceedings for quashing have been separately preferred. He further submits that the quashing of FIR shall promote the harmony between the parties and the disputes have been amicably resolved in terms of settlement deed dated 12.09.2024.

5. Respondent No. 2 submits that since the disputes have been amicably settled between parties, she has no further grievance against the petitioners or any objection for quashing of FIR.

6. Learned APP for the State submits that in view of amicable settlement between the parties, he has no objection in case the FIR in question is quashed.

7. Petitioners in the present case seek to invoke the powers under Section 482 of the Code of Criminal Procedure. The same is to be used to secure the ends of justice or to prevent the abuse of process of Court. In which cases, the power to quash the criminal proceedings or the complaint or FIR may be used when the offender as well as victim have settled their dispute, would depend upon the facts and circumstances of each case and no generalized list or categories can be prescribed. However, the Court is required to give due



regard to the nature and gravity of the offence and consider the impact on the society.

8. It may also be observed that heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot be appropriately quashed despite settlement. However, distinguished from serious offences, the offences which have predominant element of civil dispute or offences involving minor incidents, where the complainant/victim also stands compensated for loss, if any, stand on a different footing, so far as exercise of inherent powers under Section 482 Cr.P.C. is concerned. The High Court also is not foreclosed from examining as to whether there exists material for incorporation of such an offence or as to whether there is sufficient evidence which if proved would lead to proving the charge for the offence charged with. It may also be assessed, if in view of compromise between the parties, the possibility of conviction in such a case is remote and whether continuation of proceedings would cause grave oppression and prejudice the accused.

9. Petitioner no.1 in person, petitioner no.2 and respondent No. 2 (through VC) have been identified by SI Meeta, PS: Model Town. I have interacted with the parties and they confirm that the matter has been amicably settled between them without any threat, pressure or coercion. Respondent No. 2 also submits that since all the disputes between the parties have been amicably settled, she has no objection in case the FIR in question is quashed.

10. Petitioners and respondent No. 2 intend to put quietus to the proceedings. The settlement shall promote harmony between the parties. Also the chances of conviction are bleak in view of amicable settlement



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between the parties. Further, no past involvement of the petitioners has been brought to the notice of this Court.

11. Considering the facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose shall be served by keeping the case pending. Continuation of proceedings would be nothing but an abuse of the process of Court. Consequently, FIR No. 0380/2023, under Sections 323/354/509/34 IPC, registered at PS: Model Town and proceedings emanating therefrom stand quashed, subject to petitioners cooperating for quashing of FIR No. 379/2023, under Sections 323/354A/341/509/34 IPC P.S Model Town.

Petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

A copy of this order be forwarded to learned Trial Court for information.

ANOOP KUMAR MENDIRATTA, J

OCTOBER 23, 2024/ssc